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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,132	07/24/2001	Tse-Hua Lan	US 010341	4007

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

DIEP, NHON THANH

ART UNIT PAPER NUMBER

2613

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/912,132

Applicant(s)

LAN ET AL.

Examiner

Nhon T. Diep

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

### **DETAILED ACTION**

1. In view of the Decision on Appeal dated May 31, 2005, and upon the newly discovered reference(s) to Nakajima et al (US 6,243,4210). The following new grounds of rejection are deemed appropriate. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 10, which recites "A memory medium including code for decoding a video bitstream..". The claim does not recite the codes are recorded on a computer readable medium. The claim is a computer per se which is directed to non-statutory subject matter.

The examiner suggests changing the preamble of the claim to read: "A computer readable medium stored thereon a program for decoding a video bitstream at a first resolution comprising:".

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakajima et al (US 6,243,421).

Nakajima et al in an apparatus for decoding coded video data with reduced memory size, discloses the same method for decoding a video bitstream at a first resolution (fig. 8, el 41), comprising the steps of: producing residual error frames at the second lower resolution (fig. 8, el. 1-2-40); producing motion compensated frames at the second lower resolution (fig. 8, el. 5-6-7-8); combining the residual error frames with the motion compensated frames to produce video frames (output of el. 4, fig. 8); and up-scaling the video frames to the first resolution (fig. 8, el 41) as specified in claims 1, 10-12; the producing residual error frames includes performing an 8 X 8 inverse discrete transform to produce pixel values (col. 1, ln. 25 and col. 2, ln. 55) as specified in claim 2; the pixel values are sampled at a predetermined rate (fig. 8, el. 40) as specified in claim 3; the producing residual error frames include performing a 4 X 4 inverse discrete transform (col. 1, ln. 25-30 and col. 5, ln. 66 – col. 6, ln. 16 and fig. 10A) as specified in claim 4; the producing motion compensated frame includes scaling down motion vectors by a predetermined factor to produce scaled motion vectors (col. 5, ln. 19-21) as specified in claim 5; the motion compensation is performed based on the scaled motion vectors (col. 5, ln. 17-19) as specified in claim 6; the up-scaling is performed by a technique selected from a group consisting of repeating pixel values and linear interpolation (col. 5, ln. 58-59) as specified in claim 7; the up-scaling is performed in the

horizontal direction (col. 5, ln. 56-58) as specified in claim 8; and the up-scaling is performed in a same direction as down scaling in the residual error frames (col. 5, ln. 55-59) as specified in claim 9.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Zhong (US 2002/0150159 A1) discloses a decoding system and method for proper interpolation for motion compensation.

b. Kim et al (US 6,104,753) discloses a device and method for decoding HDTV video.

c. Sekiguchi et al (US 6,404,815) discloses an efficient video encoder and a compression encoding of an input picture includes motion compensated prediction means for performing interframe motion detection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND  
8/1/2005



ACTING DIRECTOR  
TC 2600

  
\_\_\_\_\_  
NHON DIEP  
PRIMARY EXAMINER

MEHRDAD DASTOURI  
SUPERVISORY PATENT EXAMINER  
TC 2600  
*Mehrdad Dastouri*